

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CUTBERTO VIRAMONTES, an individual
and resident of Cook County, Illinois, *et al.*,

Plaintiffs,

v.

THE COUNTY OF COOK, a body politic
and corporate, *et al.*,

Defendants.

Case No. 1:21-cv-04595

Assigned Judge: Rebecca R. Pallmeyer

Designated
Magistrate Judge: Susan E. Cox

**COUNTY DEFENDANTS' AGREED MOTION FOR LEAVE TO FILE REPLY IN
SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT
IN EXCESS OF 10 PAGES**

Defendants the County of Cook, a body politic and corporate, Toni Preckwinkle, in her official capacity as County Board President and Chief Executive Officer of Cook County, Kimberly M. Foxx, in her official capacity as State's Attorney, and Thomas Dart, in his official capacity as Sheriff (collectively the "County Defendants"), by their attorney, Kimberly M. Foxx, State's Attorney of Cook County, through Megan M. Honingford, Assistant State's Attorney, for their agreed motion for leave to file their reply in support of their motion for summary judgment in excess of 10 pages state as follows:

1. Plaintiffs filed their Complaint on August 27, 2021, asserting one count brought under 42 U.S.C. § 1983, setting forth alleged violations of the Second and Fourteenth Amendments. They assert that the Cook County Code of Ordinances prohibiting "assault weapons" violate the Plaintiffs' fundamental constitutional rights. (ECF No. 1, ¶¶ 61-70.)

2. On January 13, 2023, Defendants filed an agreed motion for leave to file an oversized memorandum and excess facts in support of their motion for summary judgment. (ECF No. 60.) The court granted the motion on January 18, 2023. (ECF No. 63.)
3. On March 3, 2023, Defendants filed their Rule 56 motion for summary judgment, memorandum in support, and Local Rule 56.1 statement of facts. The memorandum totaled 48 pages, and the Rule 56.1 statement included 339 facts. (ECF No. 80-82.)
4. On April 24, 2023, Plaintiffs filed their brief in response to Defendants' motion. (ECF No. 97-99.) With Defendants' agreement and leave of the court, Plaintiffs' brief totaled 37 pages. (ECF No. 96, 97).
5. Defendants' brief in reply is to be filed by May 8, 2023. (ECF No. 92.)
6. Despite efforts to condense their reply, Defendants require additional pages above the 10-page limit to fully articulate their arguments.
7. The record presented on summary judgment is extensive, and the issues before the court are pressing and complex. Due consideration of both the factual and legal issues requires briefing in excess of the typical limits.
8. Plaintiffs have no objection to this motion.

WHEREFORE, the County Defendants request that this Court grant leave to file a reply in support of summary judgment up to 25 pages and any other relief the Court deems just and proper.

Dated: May 8, 2023

Respectfully Submitted,

KIMBERLY M. FOXX
State's Attorney of Cook County

By: /s/ Megan M. Honingford
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